

SIKKIM



GOVERNMENT

GAZETTE

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No. 320

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 10/LD/18

Date: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM REGULATION OF TRANSFER OF LAND (AMENDMENT) ACT, 2018 (ACT NO. 10 OF 2018)

AN

ACT

to amend the Sikkim Regulation of Transfer of Land Act, 2005

Be it enacted by the legislature of Sikkim in the Sixty-ninth Year of the Republic of India, as follows:-

- | | |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title, extent and commencement | 1. (1) This Act may be called the Sikkim Regulation of Transfer of Land (Amendment) Act, 2018.
(2) It shall extend to the whole of Sikkim.
(3) It shall come into force at once. |
| Insertion of new Section | 2. (1) In the Sikkim Regulation of Transfer of Land Act, 2005 (hereinafter referred to as the said Act), after section 3, the following new sections shall be inserted, namely:-
“3(A) – Notwithstanding anything contained in any other law for the time being in force and the provisions of section 3 of this Act,
(i) the land belonging to a Limboo or Tamang Community of Sikkim shall not be permitted to be sold to persons belonging to any other community. |

However, there shall be no bar on sale of land within the Limboo and Tamang community, provided that if a person of Limboo or Tamang Community of Sikkim has a minimum holding of 3 (three) acres only, in such event, the land shall not be permitted to be sold at all in any manner.

- (ii) The land belonging to a person of Other Backward Community, as notified by the Central Government shall not be permitted to be sold in the event such sale reduces the minimum land holding of such persons to below 10 (ten) acres and any holding above 10 (ten) acres can be sold provided that the minimum holding of 10 (ten) acres is maintained all the time.

However, there shall be no bar on sale of land to persons falling within the category of Other Backward Community as notified by the Central Government, provided that if such person has a minimum holding of 3 (three) acres only, in such event, the land shall not be permitted to be sold at all in any manner.

- (iii) The land belonging to a person of Other Backward Community, as notified by the State Government shall not be permitted to be sold in the event such sale reduces the minimum land holding of such persons to below 10 (ten) acres and any holding above 10 (ten) acres can be sold provided that the minimum holding of 10 (ten) acres is maintained all the time.

However, there shall be no bar on sale of land to persons falling within the category of Other Backward Community as notified by the State Government, provided that if such person has a minimum holding of 3 (three) acres only, in such event, the land shall not be permitted to be sold at all in any manner.

- (iv) The land belonging to a person of Scheduled Caste Community, as notified by the State Government shall not be permitted to be sold in the event such sale reduces the minimum land holding of such persons to below 10 (ten) acres which has to be maintained all the time and any holding above 10 (ten) acres can be sold.

However, there shall be no bar on sale of land to persons falling within the category of Scheduled Caste Community as notified by the State Government, provided that if such person has a minimum holding of 3 (three) acres only, in such event, the land shall not be permitted to be sold at all in any manner.

3(B) - Notwithstanding anything contained in any other law for the time being in force and the provisions contained in this Act at section 3(A), the State Government shall have the powers to decide or pass appropriate order as may be considered expedient where a necessity has arisen for sale of land of a person with a minimum holding less than the prescribed ceiling. However, in all such cases, no action would be taken by the State Government unless the holder of the land has filed an application seeking for permission to sell".

Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department

